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WAR FOOD ADMINISTRATION
Office of Distribution
Washington 25, D. C.

October 30, 1944

FEDERAL SEED ACT

Since 1912 the Department of Agriculture has administered a seed law designed to protect the farmer. Until 1926 the only provisions were those that controlled the quality of the seed offered for importation. The law was amended at that time to prohibit false labeling or advertising with respect to seed in interstate commerce. The law was changed in 1939 to require labeling of seed shipped in interstate commerce. This labeling is the same as that required by most State seed laws. Since the Federal Seed Act of 1939 was passed, at least 29 States have changed their laws to make them more consistent with the provisions of the Federal law. There is close cooperation between Federal and State officials in seed law enforcement. The Federal Seed Act is primarily a truth-in-labeling law; however, it provides a standard of quality for vegetable seed. Vegetable seed which germinates below the standard is required to be marked with the words "Below Standard." All vegetable seed in interstate commerce is required to be labeled to show the name of the variety.

Field seed is not required to be labeled to show the name of the variety; however, when it is so labeled, the labeling must be correct. The importance of correct labeling as to variety has been continually stressed. This is in recognition of the importance to the farmer of planting seed of the variety best adapted to his needs and the climatic and soil conditions of his locality.

Seed shipped into any State is required to comply with the noxious-weed seed requirements of that State. It is a violation of the Federal Seed Act to ship seed into a State if the seed contains noxious-weed seeds that would prohibit the sale of seed in that State. Efforts are being made to make these noxious-weed seed requirements more uniform.

When persons ship seed in interstate commerce that does not comply with the law, a warning is sent. If the violation is repeated, the War Food Administration may recommend that the United States Attorney bring action against the shipper in Federal court. The seed may be seized, and this would be recommended if it is unfit for planting purposes. The War Food Administration has authority also to issue a complaint, hold a hearing, and issue a cease and desist order.

Since the effective date of the new law in February 1940 over 2000 apparent violations have been investigated. Eighty percent were reported by State officials who in turn assisted in the investigations. Warnings preceded criminal action; however, 92 complaints resulted in seizure of the seed and 125 resulted in prosecutions. The following summary of cases terminated in recent months reveals the nature of violations of the Federal Seed Act against which the War Food Administration has taken appropriate steps.

1. On August 28, 1944, the Imperial Seed Company, Clear Lake, Iowa, entered a plea of guilty of violating the Federal Seed Act and was fined \$110 plus costs on 11 counts. Information filed in the Court alleged that numerous shipments of oat seed in Illinois and Missouri of the

varieties Legacy, Erban, and Cartier were variously represented to be earlier maturing than oats known as Iowa No. 103, rust resisting and high yielding, an 80-day variety, a variety on the order of hybrid corn, a variety developed from a "4-way cross," a variety which stooled widely as many as 20 stalks to a plant, that they would yield much heavier than home-grown varieties, and that they would under normal conditions produce twice as many bushels as ordinary oats. Some of these statements may be true when the oats are grown in the area for which they were developed and in which they are adapted. These statements were alleged to be false and in violation of the Federal Seed Act when made with respect to the varieties in the States of Illinois and Missouri. The other statements were alleged to be false under any circumstances.

2. On September 1, 1944, the Charles H. Lilly Company, Seattle, Washington, entered a plea of guilty and was fined \$250 and costs for having shipped from Seattle, Washington, to its own plant in Portland, Oregon, approximately 19,000 1/8-ounce packets of onion seed of 4 varieties which germinated from 8 to 38 percent but were not labeled to show the percentage of germination, the date of test and the words "Below Standard." The seed was shipped on or about January 12, 1942, and was sampled in March and April 1942 by Oregon State officials at various locations within the State of Oregon where it was being offered for sale by retail dealers.

3. M. B. Diederich, North Ridgeville, Ohio, on September 21, 1944, entered a plea of guilty in the United States District Court at Cleveland, Ohio, and was fined \$300 for violation of the Federal Seed Act. The violation consisted of falsely advertising and delivering for transportation in interstate commerce 6 bushels of soybean seed of the old Midwest variety which had been previously advertised and was represented to be a new variety called "McClave", and delivering for transportation in interstate commerce 20 bags of soybeans of the Mt. Carmel variety that were labeled "BX" an abbreviation of the words "Buckeye Cross" also represented to be a new variety. The shipments were made in April 1942.

The advertisements with respect to so-called "McClave" soybeans had been disseminated in the fall of 1941. The variety was described as being a high yielder, early maturing, and non-shattering, and to be high in oil content, a characteristic looked for in soybeans in the early days of the War. The advertisements contained excerpts lifted from reports of experiment station trials made under different conditions. The excerpts were so placed together in the advertisements as to create the false impression that the so-called "McClave" was high in yield and oil content as compared with other varieties grown under comparable conditions. The Midwest variety was discarded by farmers many years ago because of its inferiority to newer varieties. The advertisements were disseminated rather widely throughout the Middle West and quoted the seed at \$12.00 per bushel. Earlier buyers are reported to have paid much higher prices.

4. On September 22, 1944, the Belt Seed Company, Inc., Baltimore, Maryland, entered a plea of guilty and was fined a total of \$55 on 2 counts. The violation in the first count consisted of delivering for transportation in interstate commerce into the State of Washington on

January 23, 1943, 2 bags of red clover seed represented to contain 99 percent pure seed and 0.10 percent weed seed; whereas, it was found to contain 44 percent red clover seed and 55.24 percent weed seed, mostly buckhorn. The seed also contained dodder at the rate of 3,541 per pound. The violation in the second count consisted of shipping 76 bags of lespedeza seed containing 23 horsenettle seeds per ounce into Illinois in March 1943 without showing their presence on the label.

5. On September 26, 1944, the War Food Administration issued an order directing the E. K. Hardison Seed Company of Nashville, Tennessee, to "cease and desist from shipping or delivering for transportation to another State agricultural seeds to which are attached labels containing false statements or labels not showing the presence of seeds considered seeds of noxious weeds by the law of such other State, if such noxious-weed seeds are present." It is the first such order issued under the Act.

The War Food Administration issued the ruling following a hearing on charges that the Hardison Company made 3 shipments of a total of 151 bags of lespedeza seed between November 1941 and September 1942 which were falsely labeled as to dodder content, and 2 shipments of a total of 40 bags of rye during the same period which were not correctly labeled as to germination. One shipment of 8 bags of wheat was held not properly labeled to show the presence of corn cockle which is defined as a noxious weed under Alabama law and was found present at the rate of 41 seeds per pound. The lespedeza seed was represented to contain 96 dodder seeds per pound but was found to contain from 280 to 18,900 seeds per pound. The rye was labeled to indicate germination of 88% and 90% but was found to germinate 62% and 60%.

6. On October 10, 1944, the U. J. Cover Seed Company, Mt. Gilead, Ohio, was fined \$200 on one count and placed on probation for 3 years on a second count by the United States District Court, Columbus, Ohio, for violation of the Federal Seed Act. In August and September 1941 the U. J. Cover Seed Company shipped a total of 100 bags of timothy seed to Cynthiana, Kentucky, where Kentucky State officials obtained samples which revealed a germination of approximately 23 percent; whereas, the seed was represented to germinate 90 percent. It also contained 11 noxious-weed seeds per ounce the presence of which was not shown on the label as is required under the act. Upon finding the seed to be misbranded, 65 bags were seized under the Federal Seed Act and were ordered by the court to be destroyed by burning. This is the second case of this nature brought against the U. J. Cover Seed Company under the new Federal Seed Act. The previous case involved a shipment of bluegrass seed into the State of Maryland while misbranded as to the percentage of pure seed. The court imposed a fine of \$200 in that case.

7. On October 16, 1944, the United States District Court found the Lake Shore Seed Company, Dunkirk, New York, guilty and imposed a \$12,500 fine, or \$500 on each of 25 counts, in 2 cases involving 25 shipments into 5 States of vegetable seed in violation of the Federal Seed Act. The sentence

was suspended on all counts but the first in each case, leaving a total fine of \$1,000. Approximately 150,000 packets of seed were in the shipment and 43 percent of the varieties were below the standards for germination and were not labeled with the percentage of germination and the words "Below Standard" as required. Five varieties were falsely labeled as to variety. Many packets contained only dead seeds. Large quantities of the seed were seized and destroyed because it was unfit for seeding purposes. The shipments were made in 1942 and 1943. In November 1942 the Lake Shore Seed Company was fined \$500 for similar violations involving shipments made in 1941.